IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.2233 of 2004

Amichand Amratlal Shah ...Petitioner.

vs

Bank of India and & Ors. ...Respondents

Mr. Gaurav Joshi with Mr Gaurav Kothari i/b Shri S.J. Khera for the Petitioner.

Mr. Shekhar Shetye with Ms Swati Deshpande i/b M/s Boodhanwala and Co for respondent No.1.

Mr M.S. Gyani for respondent No.2.

CORAM: H.L.GOKHALE, Acg C.J. & V.M.KANADE J.

DATE: JANUARY 23, 2007.

P.C.:-

Heard Mr. Joshi in support of the writ petition. Mr. Shetye appears for respondent No.1 Bank. This petition seeks to challenge the order dated 1th May 2003 passed by the Debt Recovery Tribunal II, Mumbai on the application made by the petitioner dated 26th February 2003 in Original Application No.1143 of 2000, which is filed by the first respondent Bank, which is pending before the Tribunal. This application made

two fold prayers,one was to get certain documents which were relied upon in the prosecution against the petitioner and two officers of the Bank and the alternative prayer was to stay the original application till the decision in the criminal proceedings. The tribunal rejected this application of the petitioner and the order has been left undisturbed by the DRAT vide its order dated 19th February 2004. The DRAT noted that the recovery application filed by the bank should be proceeded separately and independently and that the said application was a frivolous one to prolong the proceedings so that no award is made by the DRT. In our view there is no error in the order of the DRT or the DRAT.

Petition is therefore dismissed.

ACTING CHIEF JUSTICE

V.M.KANADE, J.